

HOUSE BILL 1869

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 9; Title 47; Title 49; Title 67; Title 68 and Title
71, relative to the tobacco master settlement
agreement.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-4-2602(b), is amended by
deleting the subsection in its entirety and by substituting instead the following:

(b) Not later than June 30, 2007, the commissioner shall develop and make
available for public inspection a directory listing all tobacco product manufacturers that
have provided current and accurate certifications conforming to the requirements of
subsection (a) and all brand families that are listed in such certifications (the "directory"),
except that:

(1) The commissioner shall not include or retain in such directory the
name or brand families of any non-participating manufacturer that has failed to
provide the required certification or whose certification the commissioner
determines is not in compliance with subdivisions (a)(2) and (a)(3), unless the
commissioner has determined that such violation has been cured to the
satisfaction of the commissioner;

(2) Neither a tobacco product manufacturer nor brand family shall be
included or retained in the directory, if the commissioner concludes, in the case
of a non-participating manufacturer, that:

(A) Any escrow payment required pursuant to § 47-31-103 for any
period for any brand family, whether or not listed by such non-
participating manufacturer, has not been fully paid into a qualified escrow

fund governed by a qualified escrow agreement that has been approved by the attorney general and reporter; or

(B) Any outstanding final judgment, including interest on the judgment, for a violation of § 47-31-103 has not been fully satisfied for such brand family or such manufacturer;

(3) The commissioner shall update the directory, at least once each month, as necessary in order to correct mistakes and to add or remove a tobacco product manufacturer or brand family to keep the directory in conformity with the requirements of this part; and

(4) Every licensed agent shall provide and update as necessary an electronic mail address to the commissioner for the purpose of receiving any notifications as may be required by this part.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.